

### **DETAILED ACTION**

#### ***Response to Arguments***

1. Applicant's arguments with respect to the 35 U.S.C. 112, second paragraph, and nonstatutory double patenting rejection have been fully considered and are persuasive. Therefore the 35 U.S.C. 112, second paragraph, and nonstatutory double patenting rejection have been withdrawn.
2. Applicant's arguments, filed on 08/27/2009, with respect to claims 1-22 have been fully considered and are persuasive. The rejection of claims 1-22 has been withdrawn.
3. The information disclosure statements (IDS) submitted on 12/15/2009 are being considered by the examiner.

#### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William W. Schaal on 12/15/2009.

Claims 8, 16, 18-19, and 21 have been canceled.

Claims 1, 6, 11, 15, and 22 have been amended as follows:

Claim 1:

(Currently Amended) A method for providing content from a head-end to a digital device, comprising:

producing an Internet Protocol (IP) datagram including an IP header and a body that includes a plurality of packets in a Moving Picture Experts Group (MPEG) format, the plurality of packets including a first packet and a second packet preceding the first packet, the first packet including a first packet identifier to indicate a type of data stored in a payload of the first packet and the payload of the first packet is either video or audio encrypted using a first key, and a second packet including a secondary packet identifier to indicate that the second packet includes data that is (i) duplicative of the data contained in the payload of the first packet and (ii) encrypted differently than the data contained in the payload of the first packet, and to cause the digital device to discard the data contained in the first packet, the duplicative data being in a payload of the second packet and being either the video or the audio encrypted using a second key different than the first key; and

transmitting the IP datagram from the head-end.

Claim 6:

(Currently Amended) A method for receiving content from a head-end by a digital device, comprising:

receiving an Internet Protocol (IP) datagram including an IP header and a body segmented including a plurality of packets in a Moving Picture Experts Group (MPEG)

format, the plurality of packets comprises (i) a first packet of the plurality of packets including a payload having content being video or audio encrypted using a first key and a header that comprises a first packet identifier to indicate a type of the content contained in the payload of the first packet, and (ii) a second packet of the plurality of packets including a payload and a secondary packet identifier to indicate that the payload of the second packet includes content duplicative of the content contained in the payload of the first packet, the duplicative content in the payload of the second packet being the video or the audio encrypted using a second key different than the first key;

recovering the duplicative content contained in the payload of the second packet;  
and  
disregarding the content contained in the payload of the first packet.

Claim 11:

(Currently Amended) A software packet filter program embodied in a machine readable medium and executed by a processor, the software program comprising:

a first program block to extract a plurality of packets from an incoming Internet Protocol (IP) datagram, the plurality of packets comprises (i) a first packet of the plurality of packets including a payload having content being video or audio encrypted using a first key and a header that comprises a first packet identifier, and (ii) a second packet of the plurality of packets preceding the first packet, the second packet including a payload and a secondary packet identifier, the payload of the second packet including

content being the video or the audio encrypted using a second key different than the first key;

a second program block to determine that the second packet identifier identifies the content contained within the payload of the second packet is duplicative of the content contained in the payload of the first packet; and

a third program block to recover the duplicative content contained in the payload of the second packet and disregard the content contained in the payload of the first packet.

Claim 15:

(Currently Amended) A method for receiving content from a head-end by a digital device, comprising:

receiving an Internet Protocol (IP) datagram including a plurality of Packetized Elementary Stream (PES) packets, the plurality of PES packets comprises (i) a first PES packet of the plurality of PES packets including a first packet identifier (PID1) to indicate a type of content contained in the PES packet being at least one of video and audio encrypted using a first key, and (ii) a second PES packet of the plurality of PES packets including a secondary packet identifier to indicate that the second PES packet includes content duplicative of the content contained in the first PES packet, the duplicative content of the second PES packet being the at least one of the video and audio encrypted using a second key different than the first key;

recovering the duplicative content contained in the second PES packet; and

disregarding the content contained in the first PES packet.

Claim 22:

(Currently Amended) A digital device, comprising:

means for receiving an Internet Protocol (IP) datagram including a plurality of packets, the plurality of packets comprises (i) a first packet including a first packet identifier to indicate a type of content contained in the first packet, and (ii) a second packet including a secondary packet identifier to indicate that the second packet includes content that is identical to the content contained in the first packet and encrypted differently from the content contained in the first packet, wherein the content stored in the first packet being video or audio encrypted using a first key and the content in the second packet being duplicative content that is the video or the audio encrypted using a second key different than the first key;

means for recovering the duplicative content contained in the second packet; and

means for disregarding the content contained in the first packet.

***Allowable Subject Matter***

5. Claims 1-7, 9-15, 17, 20 and 22 are allowed.
6. The following is an examiner's statement of reasons for allowance:

As noted above, the Examiner agrees with the Applicant's arguments on page 10-13 of the Remarks, specifically that the prior art does not teach (1) "the first packet including a first packet identifier to indicate a type of data stored in a payload of the first

packet," and (2) "a second packet including a secondary packet identifier to indicate that the second packet includes data that is (i) duplicative of the data contained in the payload of the first packet and (ii) encrypted differently than the data contained in the payload of the first packet, and to cause the digital device to discard the data contained in the first packet". The above features in combination with the other limitations of the claims are not anticipated by, nor made obvious over, the prior art of record. Claims 1-7, 9-15, 17, 20 and 22 are, therefore, novel and unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRANG DOAN whose telephone number is (571)272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Trang Doan/  
Examiner, Art Unit 2431

/William R. Korzuch/  
Supervisory Patent Examiner, Art Unit 2431